

Remarks

The claims have been amended in a manner in which it is believed makes them allowable over the evidence of record. Claim 1 includes limitations of an overhang having a depending portion. The depending portion has a bottom surface which is used to secure an outcropped portion of the cartridge from above to secure the cartridge. The depending portion also includes an inside surface which engages an upper surface of a second side of the mat to secure it. The depending portion is also claimed to be adapted such that the mat can be folded underneath it such that the upper portion of the mat is able to be secured. None of these features are disclosed in combination in any of the references either singly or in combination.

Claim 5 has been amended such that it includes limitations of a double-waved cross section not found in the prior art. The waves help to create flexibility necessary to enable the easy insertion and removal of the cartridge (see Par. 22).

The Examiner has rejected earlier claim 6 which contained the double-waved limitation finding that the cross-sectional design is merely a “mechanical design expedient.” There is, however, no evidentiary or legal support for this rejection. An examiner is required, unequivocally, to provide objective evidence in support of an obviousness finding. The suppositions by many that an obviousness rejections may stand on unsupported allegations that claimed differences would be a matter of “design choice” are false. It is fundamental to a finding of obviousness, that the rejection be based on evidence in the record. *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983). To support such a rejection, the examiner must reveal evidence in the references showing the teaching relied on. *See, e.g., McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). This factual inquiry must be thorough. *Id.* Additionally, it must be based on objective evidence in the record, not unsupported statements or conclusions. *See Brown & Williamson Tobacco Corp. v.*

Philip Morris Inc., 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999); and *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998). The showing must also be specific. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (the USPTO must identify specifically the principle, known to one of ordinary skill, that suggests the claimed invention). The examiner has failed to produce any objective evidence that the claimed double-waved cross sectional design is an obvious modification of anything in the prior art. Therefore, we request that these findings not be repeated.

Claim 8 has been amended in a way believed to make it nonobvious. The Examiner has cited the Shima reference suggesting that Col. 6, lines 48-52 describe a simple priming operation. Not an instructed cleaning process like that claimed.

For all of the reasons above, it is respectfully suggested that this application is in condition for allowance. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



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